

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ROBERTO DURAND,

Plaintiff,

v.

MUARO,

Defendant.

Case No. 3:22-cv-00338-MMD-CLB

ORDER

I. DISCUSSION

This action began with a civil-rights complaint under 42 U.S.C. § 1983 by state prisoner and *pro se* plaintiff Roberto Durand. (ECF No. 1-1.) Following Durand's failure to either pay the filing fee or properly apply to proceed *in forma pauperis*, the Court dismissed this case without prejudice, and the Clerk of the Court entered judgment accordingly. (ECF Nos. 6, 7.) Durand appealed, and the Ninth Circuit docketed an appellate case (No. 22-16536). (ECF Nos. 8, 9.)

"As a general rule, 'the filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.'" *Est. of Conners by Meredith v. O'Connor*, 6 F.3d 656, 658 (9th Cir. 1993), *superseded on other grounds by* Fed. R. Civ. P. 54(d)(2)(D) (internal brackets omitted) (quoting *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982)). Although Durand's appeal is still pending, he has filed two applications to proceed *in forma pauperis* in this closed action. (ECF Nos. 10, 11.) The Court lacks jurisdiction to consider Durand's applications.

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